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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,138	07/25/2001	Stephen Grant Russell	50269-0530	8213

29989 7590 12/14/2005

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EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,138

Applicant(s)

RUSSELL ET AL.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 15-17, 19, 21-23, 29-33, 35-37 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by linuma et al. (US Pat No 6,230,325).

In regard to claims 1, 19 and 30, linuma discloses an "information network system and a broadcasting receiving user terminal by which bidirectional communication can be established between a user terminal and a data base center and between the data base center and a broadcasting station so that a user can enjoy a service provided from the data base center and enjoy bidirectional communication in regard to broadcasting" (abstract). The claimed step of "providing a broadcaster with at least one application tool on said server" is met by Figure 1, Item 300b. The claimed step of "providing said broadcaster with a least one storage device accessible from said server" is met by Figure 1, Item 300a. The claimed step of "providing said broadcaster with at least one streaming media tool on said server" is met by Figure 1, Item 300c. The claimed step of "creating at least one program file with said application tool" is met by Figure 1, Item 300. The claimed step of "uploading said program file to said server"

Art Unit: 2614

is met by Figure 1, Items 300, 400 and 500. The claimed step of "storing said program file on said storage device" is met by Figure 1, Item 300a. "Referring first to FIG. 1, there is shown a basic construction of an information network system to which the present invention is applied. The information network system shown includes a broadcasting center 400 for providing broadcasting programs to users, a data base center 300 for providing data bases to users, and a large number of broadcasting receiving user terminals 100 (only two are shown in FIG. 1) having a function of receiving a broadcasting program from the broadcasting center 400 and another function of bidirectionally communicating with the data base center 300 via a network 200. Also the broadcasting center 400 and the data base center 300 are connected to each other by a network 500 which allows bidirectional communication so that they can communicate with each other. The broadcasting center 400 includes a broadcasting program editing section 400a for editing a broadcasting program, a transmission section 400b for transmitting a broadcasting signal of the edited broadcasting program by wireless or by a cable, and a guide information addition section 400c for adding guide information for accessing to a data base to a broadcasting signal for a particular program to be transmitted from the transmission section 400b. The guide information may include a broadcasting program ID (identification number or code) for identifying the broadcasting program, a telephone number of the data base center 300, and a data base server ID for designating a data base to be addressed. The data base center 300 includes a data base storage section 300a, a data base management section 300b for managing the data base storage section 300a, and a network communication section

Art Unit: 2614

300c for bidirectionally communicating with the large number of user terminals 100 via the network 200" (Col 4, Lines 48-67; Col 5, Lines 1-14). The claimed step of "registering a prospective viewer as a member" is met by Figure 7. The claimed steps of "providing the member with at least one downlink channel to view", "associating said program file with said downlink channel" and "transmitting said program file to said member as streaming media with said steaming media tool" are met by Figure 1, Item 200. "Each of the user terminals 100 includes a broadcasting signal reception section 100a for receiving a broadcasting signal transmitted by wireless or by a cable from the broadcasting center 400, a guide information extraction section 100b for separating and extracting, from the received broadcasting signal, guide information added to the broadcasting signal by the broadcasting center 400, a user information storage section 100c for storing user information peculiar to a user of the user terminal 100, and a network communication section 100d for accessing a data base of the data base center 300 via the network 200 based on the guide information extracted by the guide information extraction section 100b and the user information read out from the user information storage section 100c and for receiving a response from the data base center 300. The user information may include the name, an address, a user ID, a password and so forth of the user" (Col 5, Lines 14-36).

Claims 2-3 and 31-32 are met by that discussed above for claims 1 and 30.

In regard to claims 4, 7, 16, 17, 33, 36, 45 and 46, linuma discloses debiting the credit card account of a member. "Further, if a credit card is used, then the necessity

Art Unit: 2614

for inputting of an account number for settlement can be eliminated, which further improves the convenience to the user" (Col 7, Lines 19-22).

In regard to claims 6 and 35, linuma discloses that upon verification of the users credentials, the view has a "pass" to view the program files.

In regard to claims 8 and 37, the broadcaster 400 includes program information which meet the limitation of auxiliary files associated with said program file.

In regard to claims 15 and 44, linuma discloses "setting up an account for said member and receiving funds from said member for said account" (Col 10, Lines 18-45; Col 7, Lines 19-22).

In regard to claims 21 and 23, linuma discloses charging a member for the service. "Further, if a credit card is used, then the necessity for inputting of an account number for settlement can be eliminated, which further improves the convenience to the user" (Col 7, Lines 19-22). linuma also discloses that upon verification of the users credentials, the view has a "pass" to view the program files.

In regard to claim 22, linuma discloses allowing the member to browse the program files (Col 6, Lines 10-27).

Claim 29 is met by that discussed for claim 19.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2614

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 11-14, 20, 24-28, 34, 40-43 and 47 are rejected under 35 U.S.C.

103(a) as being unpatentable over linuma et al. in view of Ellis et al (US Pat App Pub No 2004/0117831).

In regard to claims 5 and 34, linuma fails to disclose the allowing the user to search the database. Ellis teaches allowing a user to search the database so as to facilitate the acquisition of a user's preferred program (Paragraphs 0131, 0136 and 0137). Consequently, it would have been obvious to one of ordinary skill in the art to implement linuma with allowing the user to search the database for the stated advantage.

In regard to claims 11-12, 20 and 40-41, linuma fails to disclose allowing the user to add channels or programs to a favorites list. Ellis teaches allowing the user to add channels or programs to a favorites list so as to allow the user to quickly find programs of interest (Paragraphs 0116, 0144 and 0153). Consequently, it would have been obvious to one of ordinary skill in the art to implement linuma with allowing the user to add channels or programs to a favorites list for the stated advantage.

In regard to claims 13, 24-26 and 42, linuma fails to disclose receiving members rating of a program. Ellis teaches receiving members rating of a program so as to highlight programs with high rating and hide programs with low rating (Paragraphs 0156, 0157 and 0158). Consequently, it would have been obvious to one of ordinary skill in the art to implement linuma with receiving members rating of a program for the stated advantage.

Art Unit: 2614

In regard to claims 14 and 43, linuma fails to disclose allowing the allowing the member to email the broadcaster. Ellis teaches allowing the allowing the member to email the broadcaster so as to allow the broadcaster to receive feedback (Paragraph 0116). Consequently, it would have been obvious to one of ordinary skill in the art to implement linuma with allowing the allowing the member to email the broadcaster for the stated advantage.

In regard to claims 27-28, the aforementioned combined teaching fails to disclose compiling statistics based on the users rating and reporting the statistics to the broadcasters. However, the examiner takes Official Notice that it is notoriously well known in the art to compile statistics based on users ratings and reporting the statistics to broadcasters so as to the determine demographic and psychographic information of the systems users allowing the broadcasts to target advertisements. Consequently, it would have been obvious to one ordinary skill in the art to implement linuma compiling statistics based on the users rating and reporting the statistics to the broadcasters for the stated advantage.

5. Claims 9-10, 18, 38, 39, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over linuma et al.

In regard to claims 9 and 38, linuma fails to disclose allowing the member to create a member page on the server. However, the examiner takes Official Notice that it is notoriously well known in the art to allow a member to create a member page on the server so as to allow the user to customize the layout of the content. Consequently, it



Art Unit: 2614

would have been obvious to one ordinary skill in the art to implement linuma with allowing the member to create a member page on the server for the stated advantage.

In regard to claims 10 and 39, linuma fails to disclose allowing the member to add a guest. However, the examiner takes Official Notice that it is notoriously well known in the art to allow a member to add a guest so as to promote the service to potential customers. Consequently, it would have been obvious to one ordinary skill in the art to implement linuma with allowing the member to add a guest for the stated advantage.

In regard to claims 18 and 47, linuma discloses charging a user for the provided services. linuma fails to disclose using a Paypal transaction. However, the examiner takes Official Notice that it is notoriously well known in the art to allow to use Paypal transactions so as to provide a convenient method of payment to the user.

Consequently, it would have been obvious to one ordinary skill in the art to implement linuma with Paypal transactions for the stated advantage.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

December 12, 2005



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
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